

## CHAPTER 70: GENERAL PROVISIONS

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### § 70.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

#### ADMINISTRATOR.

(1) The Public Works Director or any other person designated by the Manager to perform the functions assigned by this chapter to the Administrator.

(2) Whenever this chapter authorizes or requires the Administrator to install a traffic control device controlling parking or regulating the movement of traffic on, to or from a

state highway system street and the installation of a device is in practice a function of the State Department of Transportation, the Administrator may discharge his or her responsibility by requesting the State Department of Transportation to install the device.

DRIVER. The operator of a vehicle.

HIGHWAY or STREET.

(1) The entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic.

(2) The terms HIGHWAY or STREET or a combination of the 2 terms shall be used synonymously.

INTERSECTION.

(1) The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral edge of roadway lines of 2 or more highways which join one another at any angle whether or not one highway crosses the other.

(2) Where a highway includes 2 roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection.

LOCAL STREET. A street within the town that is not part of the state highway system.

MOTOR VEHICLE. Every vehicle that is self-propelled and every vehicle designed to run upon the highways that is pulled by a self-propelled vehicle.

OPERATOR. A person in actual physical control of a vehicle that is in motion or that has the engine running.

PARKING or STANDING.

(1) A vehicle is parked or is permitted to stand when it is stopped and allowed to remain in a fixed location for any duration of time, whether attended or unattended.

(2) Except where the context clearly indicates otherwise, the limitations on PARKING and STANDING in this chapter apply only to locations within a street right-of-way.

(3) In no case do these limitations apply when a vehicle is stopped to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device or as the result of an emergency or because the vehicle is disabled.

ROADWAY.

(1) That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder.

(2) In the event a highway includes 2 or more separate ROADWAYS, the term ROADWAY as used herein shall refer to any roadway separately but not to all roadways collectively.

SAFETY ZONE. A traffic island or other space that is officially set aside within a highway for the exclusive use of pedestrians and that is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

STATE HIGHWAY SYSTEM STREET.

(1) A street within the town that is part of the state highway system.

(2) Whenever this chapter regulates parking or the movement of traffic on, to or from a STATE HIGHWAY SYSTEM STREET, then to the extent that concurrence by the State Department of Transportation is necessary (by passage of a concurring ordinance or otherwise) the regulation shall not become effective until the concurrence is obtained.

(3) The streets that are part of the state highway system are set forth in Ch. 73, Sch. I.

STREET. See HIGHWAY.

TRAFFIC-CONTROL DEVICE. Any sign, signal, marking or other device placed or erected pursuant to a lawfully adopted ordinance and designed to regulate, warn, guide or control traffic.

TRAFFIC-CONTROL SIGNAL. Any device designed to regulate, guide or control traffic through the use of alternating or flashing lights or by some other mechanical means.

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purpose of this chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this chapter applicable to the driver of a vehicle except those which by their nature can have no application.

(1981 Code, § 6-1)

## § 70.02 STOP LIGHTS.

(A) The Administrator shall erect or install mechanical stop lights to regulate vehicular and pedestrian traffic at the intersections and locations set forth in Ch. 73, Sch. II. The effect of stop lights on vehicles and pedestrians shall be as provided in G.S. §§ 20-158 and 20-172.

(1981 Code, § 6-2) Penalty, see § 70.99

§ 70.03 FLASHING RED OR YELLOW LIGHTS REQUIRED AT CERTAIN INTERSECTIONS AND LOCATIONS.

(A) The Administrator shall erect or install mechanical red or yellow blinking or flashing lights at the intersections and other locations set forth in Chapter 73, Sch. X.

(B) The effect of blinking or flashing red or yellow lights on vehicles and pedestrians shall be as provided in G.S. §§ 20-158 and 20-172.

(1981 Code, § 6-3) Penalty, see § 70.99

§ 70.04 STOP SIGNS REQUIRED AT CERTAIN INTERSECTIONS.

(A) The second-named street in the list of intersections set forth in Ch. 73, Sch. III is hereby designated as a main traveled or through street, and the Administrator shall erect stop signs on the first named street at the entrance to the main traveled or through street. The effect of stop signs on vehicles and pedestrians shall be as provided in G.S. §§ 20-158 and 20-172.

(B) The intersections of the streets set forth in Ch. 73, Sch. IV are declared to be 4-way stop intersections, and the Administrator shall erect stop signs on each street at the entrance to the intersection. The effect of a stop sign on vehicles and pedestrians shall be as provided in G.S. §§ 20-158 and 20-172.

(1981 Code, § 6-4) Penalty, see § 70.99

§ 70.05 ONE-WAY STREETS.

(A) Whenever a street is designated a 1-way street and traffic control devices are installed in accordance with division (B) below, no person may drive a vehicle on the street except in the direction indicated by the traffic control devices (Note: G.S. § 20-165.1 makes it unlawful to drive contrary to a sign erected by the State Department of Transportation).

(B) The streets set forth in Chapter 73, Sch. XI are hereby designated 1-way streets, and the Administrator shall install appropriate traffic control devices at every intersection clearly indicating the direction of lawful traffic movement.

(1981 Code, § 6-5)

§ 70.06 YIELD RIGHT-OF-WAY SIGNS AT CERTAIN INTERSECTIONS.

(A) The second named street in the list of intersections set forth in Ch. 73, Sch. V is hereby designated as a main traveled or through street, and the Administrator shall erect yield right-of-way signs on the first named street and the entrance to the main traveled or through street.

(B) The effect of a yield right-of-way signs on vehicles and pedestrians shall be as provided in G.S. §§ 20-158 and 20-172.

(1981 Code, § 6-6) Penalty, see § 70.99

#### § 70.07 TURNING REGULATED.

(A) Whenever, pursuant to division (B) below appropriate traffic control devices are installed that clearly indicate that right or left turns, U-turns or all turns are prohibited or required from a particular lane of traffic, no person shall drive any vehicle contrary to the directions of any traffic control devices so installed.

(B) The restrictions on turning set forth in Ch. 73, Sch. VI shall henceforth be in effect at the locations indicated therein and the Administrator shall install appropriate traffic control devices that clearly and adequately notify drivers of the turns required or prohibited.

(1981 Code, § 6-7)

#### § 70.08 UNLAWFUL PASSING.

(A) Whenever, pursuant to division (B) below, appropriate traffic control devices have been installed that clearly indicate that no passing is allowed on a portion of any street, no driver of a vehicle may overtake and pass another on any portion of any street so restricted (Note: G.S. § 20-150(e) makes it unlawful to pass contrary to signs posted by the State Department of Transportation).

(B) The Administrator may install appropriate traffic control devices to indicate that no passing is allowed whenever and wherever he or she determines that passing would be unsafe on that portion of a street because:

- (1) The street intersects with another street;
- (2) The slope or grade of the street is such or the street curves to such an extent that a driver's view is obstructed within a distance of 500 feet; or
- (3) Any other conditions exist making passing hazardous.

(1981 Code, § 6-8)

#### § 70.09 CROSSWALKS AND SAFETY ZONES.

(A) The Council finds that there is a particular danger to pedestrians crossing the roadway at the locations as set forth in Ch. 73, Sch. VI and the Administrator shall establish and maintain crosswalks and safety zones at these locations by placing marks or lanes upon the surface of the roadway or by other traffic control devices.

(B) The effect of crosswalks upon vehicles and pedestrians shall be as provided in G.S. §§ 20-173 and 20-174, and other provisions of law.

(C) As provided in G.S. § 20-160(b), no driver of a vehicle may drive through or over a safety zone.

(1981 Code, § 6-9) Penalty, see § 70.99

#### § 70.10 WEIGHT LIMITATIONS ON CERTAIN STREETS.

(A) Whenever, pursuant to division (B) below, the Administrator installs a traffic control device clearly stating or indicating that through trucks are not permitted on a street or any portion thereof, no person may drive any truck having 6 wheels or more on any like street or portion thereof unless the truck's destination or point of origin is on that street.

(B) The streets or portions thereof set forth in Ch. 73, Sch. VII are hereby designated "no through trucks" streets and the Administrator shall install appropriate traffic control devices that clearly give notice of the designation.

(1981 Code, § 6-10) Penalty, see § 70.99

#### § 70.11 BLOCKING INTERSECTIONS AND CROSSWALKS.

No driver may enter an intersection or marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles or pedestrians.

(1981 Code, § 6-11) Penalty, see § 70.99

#### § 70.12 GENERAL SPEED LIMIT.

As provided in G.S. § 20-141(b)(1), no person may drive a vehicle on a street or in a public vehicular area in excess of 35 mph unless a different speed is established by this chapter.

(1981 Code, § 6-19) Penalty, see § 70.99

#### § 70.13 SPEED LIMITS.

(A) Whenever a speed limit has been established and appropriate traffic control devices have been installed in accordance with division (B) below, no person may operate a vehicle on any street in excess of the posted speed.

(B) The speed limits set forth in Chapter 73, Sch. XIII shall be applicable to the streets specified therein, and the Administrator shall install appropriate traffic control devices clearly indicating the established speed limit.

(1981 Code, § 6-20) Penalty, see § 70.99

#### § 70.14 FUNERAL PROCESSIONS.

(A) A funeral procession shall be identified as in a manner determined by the Chief of Police to be adequate to give notice to the other drivers of the existence of a procession.

(B) Each driver in a funeral procession shall drive as near to the right-hand edge of the road as practicable and shall follow the vehicle ahead as closely as possible consistent with obedience to traffic control signals and safe driving practices.

(C) No person may drive a vehicle between the vehicles constituting a funeral procession when vehicles are in motion and are conspicuously designated as provided in division (A).

(1981 Code, § 6-36) Penalty, see § 70.99

#### § 70.15 BICYCLES, TOY VEHICLES AND THE LIKE.

(A) No person upon roller skates or a skateboard, or riding in or by means of any coaster, toy vehicle, skateboard or similar device may go upon any roadway except while crossing a street at a crosswalk.

(B) No person upon roller skates or a skateboard or riding a bicycle, coaster, toy vehicle or similar device may attach himself or herself or a vehicle or device to any moving motor vehicle.

(C) No person may ride or drive a bicycle, roller skates, coaster, toy vehicle, skateboard or similar device upon any sidewalk within the area zoned Central Business District in Chapter 154.

(D) The driver of a motorcycle or bicycle when upon the street may not carry any other person upon the handlebars, tank or any other part of a motorcycle or bicycle not designated for carrying passengers.

(1981 Code, § 6-37) Penalty, see § 70.99

#### § 70.16 UNMUFFLED ENGINE COMPRESSION BRAKES (JAKE BRAKES).

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

UNMUFFLED ENGINE COMPRESSION BRAKE. A motor vehicle brake which is activated or worked by the compression of the engine of a motor vehicle, and which is not effectively muffled to prevent excessive noise.

(B) Purpose. The use of engine compression brakes, also known as “jake brakes” by motor vehicles, creates noise which unreasonably and excessively disturbs the public, and adoption of this section would further the public health, safety, and welfare of the citizens of the town.

(C) Prohibition.

(1) No person shall use an engine braking system within the corporate limits of the town which is in any way activated or operated by the compression of the engine of any such motor vehicle or any such unit or part thereof, except in cases of emergency or necessary for the protection of persons and/or property. Such braking is commonly referred to as compression braking or a “jake brake.”

(2) The town will identify the areas that engine braking is prohibited and signs shall be conspicuously posted in such areas stating: “No engine braking” or its equivalent.

(Ord. passed 12-28-2009)

#### § 70.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any violation of the following sections shall constitute a misdemeanor, punishable by a fine of not more than \$50 or imprisonment for not more than 30 days, or both: §§ 70.05, 70.07, 70.08, 70.10, 70.12, 70.13, 70.14 and 70.15.

(C) Violation of § 70.16 shall constitute a traffic infraction and shall be punished by a penalty of \$250 per violation.

(D) If the offender fails to pay this penalty within 10 days after being cited for a violation and notified of the penalty, then the failure to pay shall be a misdemeanor, punishable by a fine of not more than \$50 or imprisonment for not more than 30 days, or both.

(1981 Code, § 6-43) (Am. Ord. passed 12-28-2009; Am. Ord. passed 11-22-2021)